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**ILLEGAL MOVIE BITTORRENT TRACKER SITE OPERATORS GIVEN
18-MONTH SUSPENDED JAIL TERMS**

Ordered by Court to forfeit \$52,750 under Assets Confiscation laws

BRISBANE/SYDNEY – On 13 September, the District Court of Queensland handed down sentences on two men for their role in operating an illegal movie BitTorrent Tracker site that facilitated the illegal distribution of millions of copyright-protected movies.

30-year-old Hitesh Rama plead guilty to all charges and received a suspended 18 month jail term and 200 hours of community service.

His brother, 23-year-old Moneel Rama plead guilty to all charges and received a suspended 15 month jail term and 125 hours of community service.

Both men received 3-year good behaviour bonds.

The Court also ordered that they forfeit to the Crown \$52,750 in illegal gains obtained by the men via the operation of the BitTorrent tracker site.

The sentencing by the District Court followed the arrest of the two men by the Australian Federal Police (AFP) in relation to multiple copyright and money laundering offences on 3 December 2008.

The arrests were made after a lengthy investigation by the AFP and Australian Federation Against Copyright Theft (AFACT) into the site operator's activities. It was alleged in Court that the BitTorrent tracker site, hosted outside of Australia, facilitated the sharing of copyright movies among its 400,000 international members, including thousands of "VIP Members" who paid up to \$10 a month for access to direct downloadable media resulting in the site operators raking in excess of \$10,000 dollars per month. It was also alleged that the men had facilitated the transfer of over 10,000 terabytes of data, the equivalent of 14.3 millions of copies of movies and TV shows.

Neil Gane, Executive Director of AFACT said: 'BitTorrent is a legitimate software for sharing files but, like any tool, it can be misused. This case clearly demonstrates how damaging P2P movie theft can be – sucking income away from the legitimate production and distribution of movies, discouraging creativity and destroying Australian businesses and jobs.'

On 13 September 2011, a new report released by the Internet Commerce Security Laboratory (ICSL) at the University of Ballarat, found that 97.2% of the most popular torrents are copyright infringing. The report also concluded that 60% of popular torrents were movie torrents infringing copyright. http://www.icsl.com.au/files/Report_August2011_final.pdf

Australian director/producer Andrew Traucki's, whose film *Black Water* was being illegally

shared on the BitTorrent tracker site at the time, said: "Our team put a huge amount of work into this feature film. Being a low budget film no-one was paid much at all, and we all hoped to make some money from the sale of the film overseas. The fact that *Black Water* had been stolen and was online within days of being finished was devastating. How are Australian filmmakers supposed to make a living from our films if others steal our work for their own illegal gain?"

Judge Richard Jones, on sentencing the two men said: "These offences are notoriously easy to commit and hard to detect... You (pair) were up to your necks in this whole enterprise ... and I can only describe your behaviour as particularly despicable."

New research on the prevailing attitudes of Australians towards movie and TV theft, released by the Intellectual Property Awareness Foundation (IPAF) on 12 September, found that 72% of respondents would stop infringing activity if they received an educational notice from their ISP informing them that they had breached the terms and conditions of their contract. 72% of respondents also said piracy was stealing/theft. The research summary can be viewed at <http://ipawareness.com.au/index.php/the-facts>

About AFACT

AFACT works closely with industry, government and enforcement agencies to address copyright theft and protect the interests of the film and television community as well as the interests of Australian movie fans.

In 2010, State and Federal Police conducted 52 raids involving movie and TV theft and seized 219,809 illegal optical discs. They also seized 503 burners capable of producing over 12 million illegal optical discs a year with a potential street value of over \$63 million.

In February 2011, IPSOS and Oxford Economics released a study on behalf of AFACT entitled "Economic Consequences of Movie Piracy in Australia". The key findings, outlined below, indicated the scale of harm caused by movie piracy to the Australian economy in the 12 months up to July 2010.

- \$1.37 billion in revenue was lost across the entire Australian economy.
- 6,100 jobs were forgone across the entire economy.
- Tax losses to movie piracy amounted to \$193 million.
- Direct consumer spending losses to the movie industry, ie. cinema owners, local distributors, producers and retailers amounted to \$575 million.

Contact:

Stephen Jenner

02 9997 8011

0409 776 196

info@afact.com.au

www.afact.org.au